

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEPHEN SULLIVAN, WHITE OAK FUND LP,  
CALIFORNIA STATE TEACHERS' RETIREMENT  
SYSTEM, SONTERRA CAPITAL MASTER FUND,  
LTD., FRONTPOINT PARTNERS TRADING  
FUND, L.P., AND FRONTPOINT AUSTRALIAN  
OPPORTUNITIES TRUST on behalf of themselves  
and all others similarly situated,

Plaintiffs,

*- against -*

BARCLAYS PLC, BARCLAYS BANK PLC, BARCLAYS  
CAPITAL INC., BNP PARIBAS S.A., CITIGROUP,  
INC., CITIBANK, N.A., COÖPERATIEVE  
CENTRALE RAIFFEISEN-BOERENLEENBANK  
B.A., CRÉDIT AGRICOLE S.A., CRÉDIT AGRICOLE  
CIB, DEUTSCHE BANK AG, DB GROUP SERVICES  
UK LIMITED, HSBC HOLDINGS PLC, HSBC BANK  
PLC, ICAP PLC, ICAP EUROPE LIMITED, J.P.  
MORGAN CHASE & CO., JPMORGAN CHASE  
BANK, N.A., THE ROYAL BANK OF SCOTLAND  
PLC, SOCIÉTÉ GÉNÉRALE SA, UBS AG AND JOHN  
DOE NOS. 1-50,

Defendants.

Docket No. 13-cv-02811 (PKC)

**DECLARATION OF TODD A. SEAVER IN SUPPORT OF  
CLASS COUNSEL'S MOTION FOR AWARD OF ATTORNEYS' FEES AND  
REIMBURSEMENT OF EXPENSES**

I, Todd A. Seaver, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am a partner with the law firm Berman Tabacco. The statements herein are true to the best of my personal knowledge, information and belief based on the books and records of Berman Tabacco and information received from its attorneys and staff.

2. Berman Tabacco serves as Plaintiffs' counsel for named plaintiff California State Teachers' Retirement System ("CalSTRS") and the putative class in the above-captioned action.

3. I respectfully submit this declaration in support of Class Counsel's Motion for Award of Attorneys' Fees and Reimbursement of Expenses and seek attorneys' fees and reimbursement of expenses in this Action.

4. During the course of this litigation, and as detailed herein, Berman Tabacco worked on assignments that it was specifically directed to perform by Class Counsel, Lowey Dannenberg, P.C. and Lovell Stewart Halebian Jacobson LLP.

5. Set forth below are Berman Tabacco's legal services rendered in this litigation, the lodestar value of those services and the expenses reasonably incurred by the firm in connection with this litigation for which reimbursement is requested.

6. Among the services Berman Tabacco performed on behalf of the putative class in connection with the prosecution of the litigation include, but are not limited to, the following:

- a. Advise and counsel CalSTRS regarding all material aspects of the litigation, in conjunction with Class Counsel;
- b. Legal research and drafting in connection with amended complaints, oppositions to motions to dismiss and other motion practice;
- c. Responding to discovery requests propounded on plaintiff CalSTRS, including draft responses and objections, meeting and conferring with defense counsel

regarding areas of potential dispute, and preparing litigation positions on discovery matters;

- d. Review and analysis of documents and audio files produced by defendants HSBC, Deutsche Bank and JP Morgan, and creation of related work product for use at trial;
- e. Work with experts in connection with class certification;
- f. Provide input on all strategic matters in conjunction with Class Counsel, including key pleadings, class certification, experts and settlement; and
- g. Participate directly in settlement negotiations including all mediations;

7. The schedule in ¶ 8 below is a summary reflecting the amount of time spent by the attorneys and professional support staff of Berman Tabacco involved in this litigation, and the lodestar calculations based on the firm's current hourly billing rates. The schedule was prepared based upon daily time records maintained by attorneys and professional support staff at Berman Tabacco. The schedule in ¶ 11 below reflects the expenses incurred by the firm in its representation of the putative class in this litigation thus far. The hourly billing rate for any timekeeper primarily involved in first-level document review has been capped at \$350/hour, and the charges for timekeepers with less than 15 hours billed in this Action have been excluded.

8. From the inception of this litigation through February 28, 2018, Berman Tabacco's total fee compensable time for which it seeks an award of attorneys' fees is summarized below.

| <b>Attorneys</b> | <b>Role<sup>1</sup></b> | <b>Rates</b> | <b>Hours</b> | <b>Charges</b> |
|------------------|-------------------------|--------------|--------------|----------------|
| Egan, Patrick    | P                       | \$800.00     | 175.10       | \$140,080.00   |
| Lavallee, Nicole | P                       | \$875.00     | 20.20        | \$17,675.00    |
| Seaver, Todd     | P                       | \$800.00     | 524.10       | \$419,280.00   |
| Stern, Leslie    | P                       | \$860.00     | 29.20        | \$25,112.00    |
| Tabacco, Joseph  | P                       | \$895.00     | 316.70       | \$283,446.50   |

<sup>1</sup> "P" refers to Partners. "OC" refers to Of Counsel. "A" refers to Associates. "PA" refers to Project Attorney. "SA" refers to Staff Attorney. "CA" refers to Contract Attorney. "PL" refers to Paralegals.

|  |    |          |          |                |
|--|----|----------|----------|----------------|
| Sutter, John                           | OC | \$580.00 | 146.60   | \$85,028.00    |
| McGrath, Sarah                         | A  | \$350.00 | 46.60    | \$16,310.00    |
| Poppler, Chowning                      | A  | \$500.00 | 55.00    | \$27,500.00    |
| Falardeau, Laura                       | PA | \$350.00 | 88.00    | \$30,800.00    |
| Bastien, Mackline                      | SA | \$350.00 | 1,004.50 | \$351,575.00   |
| Lee, Berna                             | SA | \$350.00 | 915.00   | \$320,250.00   |
| McKim, Ellee                           | SA | \$350.00 | 921.10   | \$322,385.00   |
| Girard, Wyndham                        | CA | \$350.00 | 211.75   | \$74,112.50    |
| Green, Denis                           | CA | \$350.00 | 705.25   | \$246,837.50   |
| Lee, Thomas                            | CA | \$350.00 | 228.60   | \$80,010.00    |
| <b>Paralegals and Legal Assistants</b> |    |          |          |                |
| Becker, Kathy                          | PL | \$350.00 | 19.20    | \$6,720.00     |
| Lopez, Jenniffer                       | PL | \$325.00 | 26.75    | \$8,693.75     |
| <b>TOTALS</b>                          |    |          | 5,433.65 | \$2,455,815.25 |

9. Thus, the total time for which my firm is requesting an award of legal fees is 5,433.65 hours. The total lodestar value of these professional services is \$2,455,815.25.

10. The above hourly rates for Berman Tabacco's attorneys and professional support staff are the firm's current hourly rates. The firm's lodestar figures do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in the firm's current billing rates. Further, expense items do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor(s).

11. As detailed and categorized in the below schedule, Berman Tabacco has incurred a total of \$33,494.62 in expenses for which it is currently requesting reimbursement.

| <b>Expense Categories</b>                           | <b>Cumulative Expenses</b> |
|---|----------------------------|
| Travel - Airfare, Lodging, Meals, Taxi              | \$26,746.59                |
| Computer Research, Databases & Docket               | \$2,244.96                 |
| Conferences, Meetings, Telephone, & Telecopier      | \$244.26                   |
| In-House Copying                                    | \$3,678.56                 |
| Postage, Mailing, FedEx, UPS, Fares & Messengers    | \$183.25                   |
| Publications, Library, Subscriptions, and Promotion | \$145.00                   |
| Service and Filing Fees                             | \$252.00                   |
| <b>TOTAL</b>  | <b>\$33,494.62</b>         |

12. The above schedule was prepared based upon expense records reflected in the books and records of Berman Tabacco. These books and records are prepared from expense vouchers, check records, receipts and other source materials.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 23, 2018

A handwritten signature in black ink, appearing to read 'Todd A. Seaver', written over a horizontal line.

Todd A. Seaver